

**RESPIRATORY CARE PRACTITIONERS GOVERNING BOARD
OFFICE OF LICENSED ALLIED HEALTH PROFESSIONALS
CONCORD, NEW HAMPSHIRE**

In The Matter Of:

Patricia F. Mondro, RCP

License No.: 0189

(Adjudicatory/Disciplinary Proceeding)

Docket #11-2014

DECISION AND ORDER

By the Board: Richard Mozier, RCP, Chair, Douglas Hall, RCP, and Jeffrey Resiert, Physician Member

Also present: Tina M. Kelley, Administrator to the Board

Appearances: None

On December 11, 2014, the New Hampshire Respiratory Care Practitioners Governing Board ("Board") held a hearing in the matter of Patricia F. Mondro, RCP ("Ms. Mondro") pursuant to the Board's "*Notice of Hearing*". The hearing was held in accordance with RSA 328-F:23, RSA 328-F: 24, RSA 541-A, Ahp 200 and Resp 200. Ms. Mondro failed to appear before the Board.

Ms. Mondro did provide a letter which was received by the Board's Administrator on December 11, 2014 at 8:00 am requesting a continuance of the hearing. The Board reviewed the request and issued an *Order* on December 11, 2014 denying Ms. Mondro's request. The hearing was held in absentia.

Background Information

Ms. Mondro entered into a *Settlement Agreement* with the Board on July 14, 2014. The *Settlement Agreement* set forth disciplinary action which required, in part, that Ms. Mondro do the following:

1. Ms. Mondro shall refrain from the use of alcohol and controlled substance's not specifically prescribed for her;

2. Ms. Mondro will regularly attend Alcoholics Anonymous meetings and must respond within ten (10) days to any request of the Board for Respondent to produce documentation of such regular visits for a period of three years from the effective date of the Settlement Agreement;
3. Ms. Mondro must engage the services of a substance abuse monitoring service for a period of three years from the effective date of this *Settlement Agreement*. Monitoring shall consist of twenty-four (24) random testings in the first year following the effective date of the Settlement Agreement. If Respondent does not test positive for alcohol (or any illicit drug or prescription medication not properly prescribed to Respondent), the number of annual, random tests required in years two and three shall be six (6). All alcohol screens required pursuant to this agreement must be conducted with the ethyl glucuronide (EtG) test; and
4. Respondent shall sign any and all necessary releases allowing the testing facility to notify the Board of positive screens within 48 hours. Both Respondent and the facility shall notify the Board of any missed tests.

On July 28, 2014 the Board issued an *Order* which required Ms. Mondro provide proof that she has completed the following items listed in the Settlement Agreement within 30 days of the issuance of the Order:

1. Proof that Ms. Mondro has regularly attended Alcoholics Anonymous meetings between July 14, 2011 and July 14, 2014.
2. Proof that Ms. Mondro engaged the services of a substance abuse monitoring company and had 24 random drug and alcohol tests performed between July 14, 2011 and July 14, 2012 and that she had 6 random screens each year between July 14, 2012 and July 14, 2014. Proof must include evidence that the tests were conducted with the ethyl glucuronide (EtG) test.
3. Proof that Ms. Mondro signed all necessary releases allowing the testing facility to notify the Board of positive screens within 48 hours.

4. Proof that Ms. Mondro did not miss any of the random drug or alcohol screens.
5. Proof that Ms. Mondro furnished a copy of the Settlement Agreement to any and all employers between July 14, 2011 and July 14, 2014.

Ms. Mondro did not respond to the *Order* within the required 30 days.

On September 11, 2014 the Board sent Ms. Mondro a letter requesting she comply with the requirements of the *Order* no later than September 29, 2014.

Ms. Mondro never provided any evidence required in the *Order* dated July 28, 2014 nor did she respond the Board's letter dated September 11, 2014. A Notice of Hearing was issued on November 6, 2014, for the following specific issues to be determined:

1. Whether or not and to what extent Ms. Mondro engaged in professional misconduct by not completing the requirements set forth in the *Settlement Agreement* dated July 14, 2011 and as stated in the *Settlement Agreement* that the "Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 328-F:23, and a separate and sufficient basis for further disciplinary action by the Board."
2. Whether or not and to what extent Ms. Mondro failed to respond to the *Order* of the Board dated July 28, 2014, in violation of RSA 328-F:23, II (a); RSA 328-F:23, II (j); Resp 405.01(a); Resp 405.01(j).
3. Whether or not and to what extent Ms. Mondro failed to respond to the September 11, 2014 letter issued by the Board, in violation of RSA 328-F:23, II (a); RSA 328-F:23, II (j); Resp 405.01(a); Resp 405.01(j).

4. If any of the above allegations are proven, whether and to what extent Respondent should be subjected to one or more of the disciplinary sanctions authorized by RSA 328-F:23, IV.

On December 11, 2014 a hearing took place at which Ms. Mondro failed to appear.

The following exhibits were entered into evidence:

Board Exhibits:

Exhibit #1 – Preliminary Agreement for Practice Restrictions

Exhibit #2 – Settlement Agreement dated July 14, 2011

Exhibit #3 – Order dated July 28, 2014

Exhibit #4 – September 11, 2014 letter

Ms. Mondro failed to appear before the Board and there were no witnesses present to give testimony. The hearing was held *in absentia*.

Applicable Laws:

RSA 328-F:23 II;

- (a) Knowingly or negligently providing inaccurate material information to the board or failing to provide complete and truthful material information upon inquiry by the board, including during the process of applying for a license, license renewal, and license reinstatement.

RSA 328-F:23 II:

- (j) Violation of any provision of this chapter, or any governing board's practice act or rule adopted pursuant to RSA 541-A, or any state or federal law reasonably related to the licensee's authority to practice safely.

Resp 405.01(a):

Knowingly or negligently providing inaccurate material information to the board or failing to provide complete and truthful material information upon inquiry by the board, including during the process of applying for a license, license renewal, or license reinstatement;

Resp 405.01(j):

Violation of:

- (1) Any provision of RSA 328-F;
- (2) Any provision of RSA 326-E;
- (3) Any rule adopted by the board; or
- (4) Any state or federal law reasonably related to the licensee's authority to practice or the licensee's ability to practice safely.

Findings of Fact and Rulings of Law:

In light of the exhibits, the Board made the following findings of fact and rulings of law:

- The Board is unable to determine whether or not Ms. Mondro engaged in professional misconduct by not completing the requirements set forth in the Settlement Agreement dated July 14, 2011 because Ms. Mondro failed to provide the proof requested by the Board.
- Ms. Mondro engaged in professional misconduct by not responding to the Board *Order* dated July 28, 2014 requesting evidence that she had completed the requirements for attendance at Alcoholics Anonymous, that she engaged the services of a substance abuse monitoring company and had the required drug and alcohol tests, and signed releases and statements from any and all employers that she had provided them with the Settlement Agreement in violation of the RSA 328-F:23 II (a), RSA 328-F:23 II (j), Resp 405.01(a); and Resp 405.01(j).
- Ms. Mondro engaged in professional misconduct by not responding to the Board letter dated September 11, 2014 requesting she comply with the Order dated July 28, 2014 in violation of the RSA 328-F:23 II (a), RSA 328-F:23 II (j), Resp 405.01(a); and Resp 405.01(j).

Based upon the findings of fact and rulings of law, the Board voted to order the following:

THEREFORE IT IS ORDERED, that Ms. Mondros license to practice as a Respiratory Care Practitioner in the State of New Hampshire be **SUSPENDED**.

IT IS FURTHER ORDERED, that the Board will reconsider the suspension of Ms. Mondros license when Ms. Mondro appears before the Board to provide documentation:

1. That Ms. Mondro regularly attended Alcoholics Anonymous meetings between July 14, 2011 and July 14, 2014.
2. That Ms. Mondro engaged the services of a substance abuse monitoring company and had 24 random drug and alcohol tests performed between July 14, 2011 and July 14, 2012 and that she had 6 random screens each year between July 14, 2012 and July 14, 2014. Proof must include evidence that the tests were conducted with the ethyl glucuronide (EtG) test.
3. That Ms. Mondro signed all necessary releases allowing the testing facility to notify the Board of positive screens within 48 hours.
4. That Ms. Mondro did not miss any of the random drug or alcohol screens.
5. That Ms. Mondro furnished a copy of the *Settlement Agreement* to any and all employers between July 14, 2011 and July 14, 2014.

IT IS FURTHER ORDERED, that Ms. Mondro shall be fined \$250.00 to be paid to the Board's office within 30 days of the date this final *Decision and Order* takes effect. The check shall be made payable to the Treasurer, State of New Hampshire.

IT IS FURTHER ORDERED, that the Board will not hold a hearing with regards to the suspension of Ms. Mondro's license until the \$250.00 fine has been paid in full.

IT IS FURTHER ORDERED, that within fifteen (15) days of the effective date of this *Decision and Order* Ms. Mondro shall furnish a copy of this *Decision and Order* to any current employer for whom she performs services as a Respiratory Care Practitioner and to any agency or authority which licenses, certifies or credentials Respiratory Care Practitioners, with which Ms. Mondro is presently affiliated.

IT IS FURTHER ORDERED, that Ms. Mondro shall furnish a copy of this *Decision and Order* to any employer and/or agency, or authority which licenses, certifies or credentials Respiratory Care Practitioners one year from the effective date of this *Decision and Order*.

*Recreational Therapy Governing Board
In the Matter of Patricia F. Mondro, RCP
Decision and Order*

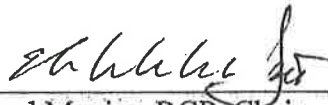
IT IS FURTHER ORDERED that Ms. Mondro's breach of any terms and conditions of this *Decision and Order* shall constitute unprofessional conduct pursuant to RSA 328-F:23, II.

IT IS FURTHER ORDERED that this *Decision and Order* shall become a permanent part of Ms. Mondro's file, which is maintained by the Board as a public document.

IT IS FURTHER ORDERED that this *Decision and Order* shall take effect as a final Order of the Board on the date it is signed by an authorized representative of the Board.

BY ORDER OF THE BOARD

Date: January 15, 2015



Richard Mozier, RCP, Chair
Authorized Representative of the
Respiratory Care Practitioners Governing Board